



General Assembly

February Session, 2012

***Raised Bill No. 115***

LCO No. 895

\*00895\_\_\_\_\_VA\_\*

Referred to Committee on Select Committee on Veterans' Affairs

Introduced by:  
(VA)

***AN ACT CONCERNING THE MILITARY SEXUAL ASSAULT  
PREVENTION AND RESPONSE PROGRAM.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 52-146k of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) As used in this section:

4 (1) "Battered women's center" means any office, shelter, host home  
5 or center offering assistance to battered women through crisis  
6 intervention, emergency shelter referral and medical and legal  
7 advocacy, and which meets the Department of Social Services criteria  
8 of service provision for such centers.

9 (2) "Battered women's counselor" means any person engaged in a  
10 battered women's center (A) who has undergone a minimum of twenty  
11 hours of training which shall include, but not be limited to, the  
12 dynamics of battering, crisis intervention, communication skills,  
13 working with diverse populations, an overview of the state criminal  
14 justice system and information about state and community resources

15 for battered women, (B) who is certified as a counselor by the battered  
16 women's center which provided such training, (C) who is under the  
17 control of a direct service supervisor of a battered women's center, and  
18 (D) whose primary purpose is the rendering of advice, counsel and  
19 assistance to, and the advocacy of the cause of, battered women.

20 (3) "Confidential communication" means information transmitted  
21 between a victim of a battering or a sexual assault and a battered  
22 women's counselor or sexual assault counselor in the course of that  
23 relationship and in confidence by a means which, so far as the victim is  
24 aware, does not disclose the information to a third person other than  
25 any person who is present to further the interests of the victim in the  
26 consultation or any person to whom disclosure is reasonably necessary  
27 for the transmission of the information or for the accomplishment of  
28 the purposes for which such counselor is consulted, and includes all  
29 information received by, and any advice, report or working paper  
30 given or made by, such counselor in the course of the relationship with  
31 the victim.

32 (4) "Rape crisis center" means any office, institution or center  
33 offering assistance to victims of sexual assault and their families  
34 through crisis intervention, medical and legal advocacy and follow-up  
35 counseling and which meets the Department of Public Health criteria  
36 of service provision for such centers.

37 (5) "Sexual assault counselor" means (A) any person engaged in a  
38 rape crisis center who [(A)] (i) has undergone a minimum of twenty  
39 hours of training which shall include, but not be limited to, the  
40 dynamics of sexual assault and incest, crisis intervention,  
41 communication skills, working with diverse populations, an overview  
42 of the state criminal justice system, information about hospital and  
43 medical systems and information about state and community  
44 resources for sexual assault victims, [(B)] (ii) is certified as a counselor  
45 by the sexual assault center which has provided such training, [(C)]  
46 (iii) is under the control of a direct services supervisor of a rape crisis

47 center, and [(D)] (iv) whose primary purpose is the rendering of  
48 advice, counseling and assistance to, and the advocacy of the cause of,  
49 victims of sexual assault, or (B) any member of the armed forces of the  
50 state or the United States who is trained and certified as a victim  
51 advocate or a sexual assault prevention coordinator in accordance with  
52 the military's sexual assault prevention and response program.

53 (6) "Victim" means any person who consults a battered women's  
54 counselor or a sexual assault counselor for the purpose of securing  
55 advice, counseling or assistance concerning a mental, physical or  
56 emotional condition caused by a battering or a sexual assault.

57 (b) On or after October 1, 1983, a battered women's counselor or a  
58 sexual assault counselor shall not disclose any confidential  
59 communications made to such counselor at any time by a victim in any  
60 civil or criminal case or proceeding or in any legislative or  
61 administrative proceeding unless the victim making the confidential  
62 communications waives the privilege, provided under no  
63 circumstances shall the location of the battered women's center or rape  
64 crisis center or the identity of the battered women's counselor or sexual  
65 assault counselor be disclosed in any civil or criminal proceeding. Any  
66 request made on or after October 1, 1983, by the defendant or the state  
67 for such confidential communications shall be subject to the provisions  
68 of this subsection.

69 (c) When a victim is deceased or has been adjudged incompetent by  
70 a court of competent jurisdiction, the guardian of the victim or the  
71 executor or administrator of the estate of the victim may waive the  
72 privilege established by this section.

73 (d) A minor may knowingly waive the privilege established by this  
74 section. In any instance where the minor is, in the opinion of the court,  
75 incapable of knowingly waiving the privilege, the parent or guardian  
76 of the minor may waive the privilege on behalf of the minor, provided  
77 such parent or guardian is not the defendant and does not have a  
78 relationship with the defendant such that he has an interest in the

79 outcome of the proceeding.

80 (e) The privilege established by this section shall not apply: (1) In  
 81 matters of proof concerning chain of custody of evidence; (2) in  
 82 matters of proof concerning the physical appearance of the victim at  
 83 the time of the injury; or (3) where the battered women's counselor or  
 84 sexual assault counselor has knowledge that the victim has given  
 85 perjured testimony and the defendant or the state has made an offer of  
 86 proof that perjury may have been committed.

87 (f) The failure of any party to testify as a witness pursuant to the  
 88 provisions of this section shall not result in an inference unfavorable to  
 89 the state's cause or to the cause of the defendant.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	52-146k

**Statement of Purpose:**

To provide confidentiality for disclosures made by military personnel who are victims of sexual assault to military sexual assault advocates.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*